

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR536
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>JOINT MOTION FOR A NEW TRIAL</u>
GENEVA FRANCE,)	
)	
Defendant.)	

Now comes the United States of America, by and through its counsel, Gregory A. White, United States Attorney, and Blas E. Serrano, Assistant United States Attorney, and defendant Geneva France, by and through her counsel, Gregory Scott Robey, and jointly move for a new trial pursuant to Rule 33(b)(1) of the Federal Rules of Criminal Procedure.

Fed. R. Crim. P. 33(b)(1) provides that:

(1) **Newly Discovered Evidence.** Any motion for a new trial grounded on newly discovered evidence must be filed within 3 years after the verdict or finding of guilty. If an appeal is pending, the court may not grant a motion for a new trial until the appellate court remands the case.

The parties agree that the defendant is entitled to a new trial on the basis of newly discovered evidence.

Respectfully submitted,

GREGORY A. WHITE
United States Attorney

By: s/ Blas E. Serrano
Blas E. Serrano
Assistant U.S. Attorney
Reg. No. 0009879
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
(216) 622-3873
(216) 522-7499 (facsimile)
Blas.Serrano@usdoj.gov

s/ Gregory Scott Robey
Gregory Scott Robey
Reg. No. 0055746
Robey and Robey
Attorney for Defendant
14402 Granger Road
Cleveland, Ohio 44137
(216) 581-8200
(216) 581-2822 (Facsimile)
Robeylaw@aol.com

James D. Owen
Reg. No. 0003525
5354 N. High Street
Columbus, OH 43214
(614) 436-3245
vlf@jowenlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 2007, a copy of the foregoing Joint Motion for a New Trial was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

s/ Blas E. Serrano
Blas E. Serrano
Assistant U.S. Attorney

S/ Gregory Scott Robey
Gregory Scott Robey
Attorney for Defendant